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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-494

11 **KERI LYNN JONES**
12 **7866 Road 268**
13 **Terra Bella, CA 93270**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

14 **Registered Nurse License No. 623373**

15 Respondent.

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17 **FINDINGS OF FACT**

18 1. On or about February 23, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs, filed Accusation No. 2012-494 against Keri Lynn Jones (Respondent)
21 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

22 2. On or about August 5, 2003, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 623373 to Respondent. The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought in Accusation No. 2012-494 and will
25 expire on September 30, 2012, unless renewed.

26 3. On or about February 23, 2012, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 2012-494, Statement to Respondent, Notice of Defense,
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1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to California Code of
3 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
4 Respondent's address of record was and is: 7866 Road 268, Terra Bella, CA 93270.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. No documents were returned by the U.S. Postal Service.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
15 494.

16 8. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the
18 hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

20 9. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
23 taking official notice of all the investigatory reports, exhibits and statements contained therein on
24 file at the Board's offices regarding the allegations contained in Accusation No. 2012-494, finds
25 that the charges and allegations in Accusation No. 2012-494, are separately and severally, found
26 to be true and correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$8,328.00 as of April 3, 2012.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Keri Lynn Jones has subjected
6 her Registered Nurse License No. 623373 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
9 Nurse License based upon the following violations alleged in the Accusation which are supported
10 by the evidence contained in the Default Decision Evidence Packet in this case.:

11 a. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
12 that on April 25, 2011, in the Superior Court, County of Tulare, California, in the matter entitled
13 *People vs. Keri Lynn Jones, aka Keri Lynn Acup, aka Kerri Lynn Cotton* (2011), Case No.
14 PCF251312, Respondent was convicted following her plea of guilty to a violation of Penal Code
15 section 211 (second degree robbery), a felony. The circumstances of the crime are that on or
16 about April 8, 2011, Respondent entered a Seven-0-Two Pharmacy and handed the pharmacy
17 clerk a note that read "I have a gun and I will use it. Give me all of your Duragesic medication."
18 When told by the clerk that she did not have a key, Respondent stated: "Get one quickly and
19 quietly." Respondent was provided with 5 boxes of 100 mcg Fentanyl patches and one box of 75
20 mcg Fentanyl patches. Respondent took the medication and left the pharmacy. During a
21 subsequent search of Respondent's residence, officers located the clothing worn during the
22 robbery and some of the drugs that had been taken.

23 b. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
24 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that
25 Respondent has been convicted of crime involving the controlled substance, Fentanyl, as more
26 particularly set forth above.

27 c. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
28 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that

1 on or about April 8, 2011, while licensed as a registered nurse, Respondent committed the
2 following acts: 1) Respondent obtained the controlled substance Fentanyl by fraud, deceit,
3 misrepresentation, or subterfuge for her own use by stealing the drugs from the Seven-0-Two
4 Pharmacy during a robbery, in violation of Health and Safety Code section 11173, subdivision
5 (a); 2) Respondent possessed the controlled substance Fentanyl without lawful authority, in
6 violation of Code section 4022.

7 d. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
8 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that
9 on or about September 26, 2009, and October 7, 2009, while licensed as a registered nurse and
10 employed by Odyssey Health Care, Respondent committed the following acts: 1) Respondent
11 prescribed the controlled substances Oxycodone and Hydrocodone for Patients A and B without
12 lawful authority by calling the prescription in to the Faast Pharmacy; 2) Respondent obtained the
13 controlled substances Oxycodone and Hydrocodone by fraud, deceit, misrepresentation, or
14 subterfuge by telephoning the prescriptions for Patients A and B to the Faast Pharmacy without a
15 physician order, then retrieving the drugs from the pharmacy, in violation of Health and Safety
16 Code section 11173, subdivision (a); 3) Respondent possessed the controlled substances
17 Oxycodone and Hydrocodone without lawful authority, in violation of Code section 4022.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 623373, heretofore issued to Respondent Keri Lynn Jones, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 6, 2012

It is so ORDERED July 6, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

default decision_LIC.rtf
DOJ Matter ID:SA2011102060

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 JANICE K. LACHMAN
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3 KENT D. HARRIS
Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2012-494

12 **KERI LYNN JONES, AKA**
13 **KERI LYNN ACUP, AKA**
KERRI LYNN COTTON
14 **7866 Road 268**
Terra Bella, CA 93270
15 **Registered Nurse License No. 623373**

A C C U S A T I O N

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 5, 2003, the Board issued Registered Nurse License Number
24 623373 to Keri Lynn Jones ("Respondent") AKA Keri Lynn Acup, AKA Kerri Lynn Cotton. The
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2012, unless renewed.

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
14 the conviction shall be conclusive evidence thereof.

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
18 person licensed under this chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as
20 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
21 himself or herself, or furnish or administer to another, any controlled substance as
22 defined in Division 10 (commencing with Section 11000) of the Health and Safety
23 Code or any dangerous drug or dangerous device as defined in Section 4022.

24 (c) Be convicted of a criminal offense involving the prescription,
25 consumption, or self-administration of any of the substances described in
26 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
27 record pertaining to, the substances described in subdivision (a) of this section, in
28 which event the record of the conviction is conclusive evidence thereof.

7. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to
a person upon the prescription of a physician, dentist, podiatrist, or veterinarian.

8. Health and Safety Code section 11173, subdivision (a) states:

No person shall obtain or attempt to obtain controlled substances, or
procure or attempt to procure the administration of or prescription for controlled
substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by
concealment of a material fact.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Obtain and Possess Controlled Substances in Violation of Law)**

3 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
4 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that
5 on or about April 8, 2011, while licensed as a registered nurse, Respondent committed the
6 following acts:

7 a. Respondent obtained the controlled substance Fentanyl by fraud, deceit,
8 misrepresentation, or subterfuge for her own use by stealing the drugs from the Seven-0-Two
9 Pharmacy during a robbery, in violation of Health and Safety Code section 11173, subdivision
10 (a).

11 b. Respondent possessed the controlled substance Fentanyl without lawful authority, in
12 violation of Code section 4022.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Obtain and Possess Controlled Substances in Violation of Law; Prescribe)**

15 13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
16 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that
17 on or about September 26, 2009, and October 7, 2009, while licensed as a registered nurse and
18 employed by Odyssey Health Care, Respondent committed the following acts:

19 a. Respondent prescribed the controlled substances Oxycodone and Hydrocodone for
20 Patients A and B without lawful authority by calling the prescription in to the Faast Pharmacy.

21 b. Respondent obtained the controlled substances Oxycodone and Hydrocodone by
22 fraud, deceit, misrepresentation, or subterfuge by telephoning the prescriptions for Patients A and
23 B to the Faast Pharmacy without a physician order, then retrieving the drugs from the pharmacy,
24 in violation of Health and Safety Code section 11173, subdivision (a).

25 c. Respondent possessed the controlled substances Oxycodone and Hydrocodone
26 without lawful authority, in violation of Code section 4022.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 623373, issued to Keri Lynn Jones, AKA Keri Lynn Acup, AKA Kerri Lynn Cotton;
2. Ordering Keri Lynn Jones AKA Keri Lynn Acup, AKA Kerri Lynn Cotton to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: February 23, 2012 Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant